



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES  
ATTORNEY GENERAL

DIVISION OF STATE COUNSEL  
LITIGATION BUREAU

October 18, 2022

Hon. Christian F. Hummel  
United States Magistrate Judge  
United States District Court  
Northern District of New York  
James T. Foley U.S. Courthouse  
445 Broadway, Room 441  
Albany, N.Y. 12207

Re: *Blanford v. Banks, et al.*  
N.D.N.Y. 21-CV-0231 (TJM/CFH)  
**Opposition to Plaintiff's Motion for Sanctions**

Dear Judge Hummel:

I write in response to Plaintiff's motion for sanctions as directed by the Court's October 14, 2022 Text Notice. Dkt 102. On September 30, 2022, Plaintiff filed a letter motion requesting that sanctions be imposed upon Defendants pursuant to FRCP 11 and 28 U.S.C. § 1927 because they allegedly lied, apparently in their Answers, by denying Plaintiff's allegations. Plaintiff argues that such denials constitute criminally punishable perjury. Plaintiff has not alleged any sanctionable conduct. FRCP 11. 28 U.S.C. § 1927 is inapplicable to the bar at bar, as it relates to counsel's liability for excessive costs, rather than sanctions.

Plaintiff alleges that Defendants failed to comply with a court order that he believes required Defendants to give sworn answers to questions regarding the incidents described in the Complaint. Plaintiff believes it was a violation of that order for Defendants to deny Plaintiff's allegations and asks the Court to sanction Defendants for their violations. However, no such order issued in this case. *See generally* Dkt. To the extent that Plaintiff might be referring to Defendants' obligation to Answer the Complaint by characterizing the obligation as an order of the Court, Plaintiff has not alleged any sanctionable conduct.

Moreover, the video that Plaintiff references in his letter motion has been submitted to the Court by Defendants in support of their Motion for Summary Judgment. Dkts. 100, 105. Insofar as Plaintiff alleges that the video demonstrates the untruthfulness of Defendants' representations to the Court, the reverse is true. Furthermore, Plaintiff's argument on this point is most appropriately the subject of a cross-motion for summary judgment, rather than a motion for sanctions.

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For the reasons stated, Plaintiff's motion must be dismissed.

Thank you.

*Pursuant to 28 U.S.C. § 1746 I declare that, on this date, I caused the plaintiff to be served with a copy of this letter request by First-Class United States Mail at the address listed below.*

Respectfully submitted,

/s/ Brittany M. Haner

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